IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 32928 of 2006(T)

PETITIONER:

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1. DIRECTOR GENERAL,
INDIAN COUNCIL OF AGRICULTURE RESEARCH,
KRISHI BHAVAN, NEW DELHI.

2. DIRECTOR,
INDIAN INSTITUTE OF SPICES RESEARCH,
MARIKKUNNU P.O., CALICUT-12.

BY ADV. SRI.P.JACOB VARGHESE, SC, ICAR

RESPONDENTS:

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1. DR. B.SASIKUMAR, AGED 49 YEARS,
S/O. BHASKARAN PILLAI K.N., SENIOR SCIENTIST,
INDIAN INSTITUTE OF SPICES RESEARCH,
MARIKKUNNU P.O., CALICUT.

2. THE KERALA STATE HUMAN RIGHTS
COMMISSION, M.P.APPAN ROAD, VAZHUTHACAUD,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.C.GOVINDA SWAMY - FOR R1
SMT.D.HEERA
SRI.SEBASTIAN DAVIS - FOR R2
ADV. SMT. N.SUDHA DEVI - GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO. 32928/2006.

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1	COPY OF REPRESENTATION DATED 23/12/2004 SUBMITTED BY THE 1ST RESPONDENT.
EXT.P2	COPY OF THE ORDER OF REJECTION PROCEEDINGS NO.F-9(81)/98-ESTT. DATED 30/12/2004 BY THE 1ST PETITIONER.
EXT.P3	COPY OF ORIGINAL APPLICATION NO.280/05 IN THE FILE OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.
EXT.P4	COPY OF REPLY STATEMENT IN OA NO.280/05 IN THE FILE OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.
EXT.P5	COPY OF REJOINDER DATED 21/11/2005 BY THE 1ST RESPONDENT IN \OA 280/05 IN THE FILE OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.
EXT.P6	COPY OF REPLY TO REJOINDER FILED BY PETITIONER IN OA 280/05 IN THE FILE OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.
EXT.P7	COPY OF SUMMONS DATED 12/06/2006 IN HRMP.412/2006 OF KERALA STATE HUMAN RIGHTS COMMISSION.
EXT.P8	COPY OF COMPLAINT FILED BY 1ST RESPONDENT IN HRMP 412/2006 OF KERALA STATE HUMAN RIGHTS COMMISSION.
EXT.P9	COPY OF REPLY FILED BY THE PETITIONER IN HRMP 412/2006 OF KERALA STATE HUMAN RIGHTS COMMISSION.
EXT.P10	COPY OF SUMMONS DATED 04/10/2006 IN HRMP 412/2006 BY KERALA STATE HUMAN RIGHTS COMMISSION.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 32928 of 2006

Dated, this the 9th day of January 2007

J U D G M E N T

Heard learned counsel for the petitioners and Standing Counsel appearing for the 1st and 2nd respondents.

2. The petitioners grievance is that for getting decision on claim of wages, the 1st respondent has first approached the Central Administrative Tribunal and filed O.A. Thereafter for the same relief he has approached the 2nd respondent with Ext.P8 complaint. The petitioners' grievance is that there is no human right involved in service matters and therefore complaint is not maintainable. The learned counsel for the petitioners has also relied on Clause 17 of the Regulations of the Commission, which excludes among other things, service matters. The learned counsel for the 2nd respondent on the other hand contended that the petitioners can raise objections against maintainability and Commission will proceed in the matter only after deciding the issue of maintainability first. This submission is recorded. Since the second respondent has considered only Ext.P8 and the O.A. before the CAT is not considered, there is no need for petitioners to appear before the Commission before they decide the preliminary issue on

maintainability, which will be decided by the Commission first with reference to statutory provision and after referring the O.A. filed, which is pending before the CAT. The Commission is directed to take decision on maintainability and communicate the order to the petitioners, before proceeding further in the matter.

This writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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